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## THE OFFICE OF WOMEN'S ADVANCEMENT & ADVOCACY

THE DELAWARE COMMISSION FOR WOMEN, DELAWARE WOMEN'S WORKFORCE COUNCIL,  
AND THE DELAWARE WOMEN'S HALL OF FAME COMMITTEE

# ACTIVITIES AND RECOMMENDATIONS REPORT

TO

John C. Carney, Governor, State of Delaware,  
The Delaware General Assembly,

AND

Sandra Ross Johnson, Secretary, Delaware Department of Human Resources

## JANUARY 8, 2019



**WOMEN'S  
ADVANCEMENT  
& ADVOCACY**

# ADVOCATING FOR #DELAWAREWOMEN IS OUR BUSINESS.



## OFFICE OF WOMEN'S ADVANCEMENT & ADVOCACY

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THE OFFICE OF WOMEN'S ADVANCEMENT & ADVOCACY

# Background & Mission

ACTIVITIES AND RECOMMENDATIONS REPORT



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*On July 16, 2017, Governor John Carney signed House Bill 4 of the 149<sup>th</sup> General Assembly, establishing the new Department of Human Resources (DHR) under the leadership of a Cabinet-level official. Sandra Ross Johnson, appointed by Governor Carney to serve as Secretary, began the next day.*

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A focus of the newly formed department was to address issues important to state employees, including promoting diversity and inclusion across state government. New to the state and included in this department were the launch of two new divisions – the Office of Women’s Advancement & Advocacy (OWAA) and the Division of Diversity and Inclusion (D&I). OWAA and D&I have cross-sectional interests to ensure equality of representation in the state workforce, and work closely together to support these and other initiatives.

The Office of Women’s Advancement & Advocacy was launched in September 2017 with the hiring of its director, Melanie Ross Levin. By February 2018, OWAA was fully staffed following the hiring of three additional employees: Stella Harrison (Executive Assistant), Carling Ryan (Policy & Research Analyst), and Shaleah Sutton (Digital & Social Media Marketing Assistant). In addition to hiring key staff, creative and administrative tasks such as the creation of a logo, website, social media pages, and introductions to stakeholders and policymakers occurred.

House Bill 4 of the 149<sup>th</sup> General Assembly gave OWAA the express purpose of promoting the equality and equity of women in all areas of society. In order to accomplish this, OWAA was charged with the following responsibilities:

- *Fostering collaborations between governmental entities, individuals, organizations, businesses and institutions towards the elimination of gender-based bias and discrimination, and sharing information on the status of women;*
- *Referring complaints and inquiries to the appropriate state departments, agencies or community organizations;*
- *Conducting research projects to report on the status of women in Delaware;*
- *Advising executive and legislative bodies on the effect of proposed legislation on women through reports, statistics and testimony;*
- *Providing recommendations regarding the implementation of any gender-based legislation or policy;*
- *Making specific legislative proposals relating to the removal of discriminatory laws and practices;*
- *Producing and distributing educational and informative media materials;*
- *Performing other functions and duties as imposed by law or as assigned to it by the Governor, the Secretary of the Department of Human Resources, or the General Assembly.*

OWAA was instructed to report its activities and recommendations at the beginning of each general assembly, including the activities of the Delaware Commission for Women, Delaware Women’s Workforce Council, and the Delaware Women’s Hall of Fame Committee, to the Governor, Secretary of the Department of Human Resources, and the General Assembly. While the Commission for Women had existed in a different form prior to the passage of House Bill 4, it had been reestablished with different responsibilities; the Women’s Workforce Council and the Women’s Hall of Fame Committee were completely new entities. OWAA’s Director, Melanie Ross Levin, worked quickly to launch these groups and coordinated with the Office of the Governor and the Legislature to ensure that vacancies for the groups’ positions were filled.

The following report will highlight how OWAA, along with the Delaware Commission for Women, Delaware Women’s Workforce Council, and the Delaware Women’s Hall of Fame Committee, is fulfilling the tasks and duties set forth by House Bill 4.



# The Office of Women's Advancement & Advocacy

*Activities During the 149<sup>th</sup>  
General Assembly*

ACTIVITIES AND RECOMMENDATIONS REPORT



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*Advising executive and legislative bodies on the effect of proposed legislation on women, including making recommendations on proposed legislation by providing reports, statistics and testimony*



*Compiling and analyzing statistics and information and issuing reports on issues affecting women in this State*

*In its first year of operation, OWAA provided research assistance, testified at committee hearings, coordinated advocacy efforts, and met with legislators regarding the following legislative initiatives, all of which were adopted by the General Assembly and signed by Governor Carney (if applicable).*

- Providing 12 weeks of paid parental leave (for mothers and fathers) to full-time state employees for births and adoptions [HB 3 (Heffernan)]<sup>1</sup>; paid parental leave has been demonstrated to improve recruitment and retention of women in the workforce and health outcomes for women and children;
- Passing the first leg of a constitutional amendment to ensure equal rights regardless of sex [HB 399 (Longhurst)]<sup>2</sup>; currently, protections on the basis of sex are piecemeal, and found only in certain sections throughout the Delaware code;
- Mandating insurance coverage of a 12-month supply of birth control to reduce unintended pregnancies, and codifying current federal birth control coverage requirements [SB 151 (Henry)]<sup>3</sup>; 12-month supplies of birth control have been demonstrated to reduce unintended pregnancies and abortions;
- Protecting children from forced child marriage by becoming the **first** state to ban marriage under 18 years of age, without exceptions [HB 337 (K. Williams)]<sup>4</sup>; research shows that when girls marry prior to turning 18, there are negative impacts on educational attainment and health outcomes into adulthood;
- Ensuring that women in detention facilities have access to free tampons [SB 166 (Henry)]<sup>5</sup>;
- Clarifying that a person cannot consent to sexual relations while in law enforcement custody [SS 1 for SB 169 (Poore)]<sup>6</sup>;
- Mandating insurance coverage of fertility care services [SB 139 (Townsend)]<sup>7</sup>;
- Requiring that Delaware employers (public and private), with 50 or more employees, provide sexual harassment training to their employees and supervisors [HS 1 for HB 360 (Keeley)]<sup>8</sup>;
- Creating procedures in Delaware for making sure firearms are not in the hands of dangerous individuals while protecting due process and not creating a barrier to care for those suffering from mental illness [HS 1 for HB 302 (Bentz)]<sup>9</sup>.

*Additionally, OWAA created two fact sheets to provide pertinent research on paid parental leave legislation (HB 3) and the Equal Rights Amendment (HB 399).*



Legislators and supporters gather to announce the introduction of the Delaware Equal Rights Amendment.



# *Providing suggestions and recommendations regarding the implementation of any previously enacted gender-based legislation or policy initiatives*

Upon the establishment of DHR, leadership began evaluating state policies with the intent to update and modernize policies to reflect current best practices.

OWAA assisted with updating and developing the State of Delaware's sexual harassment policy, which has since been encompassed by the newly proposed Respectful Workplace policy. OWAA Director Melanie Ross Levin served on the state's Total Compensation Study Team, providing input on vendor selection as well as the scope of the State's request for proposal for the compensation study. Given the magnitude of the Total Compensation Study, it was divided into two parts. Part I includes reviewing the marketplace competitiveness of the state's merit pay scale and the benefits package offered to state merit and merit comparable employees. Part II of this study focuses on examination of the state's business practices for compensation and classification, review of hard-to-fill classifications, and a review of statewide gender and race/ethnic pay equity in state government.

Lastly, OWAA participated in the development of the State of Delaware's paid parental leave policy, following the passage of House Bill 3 in the 149<sup>th</sup> General Assembly. OWAA ensured that the legislative intent of House Bill 3 was reflected in the Department of Human Resources' application of the policy to state employees, while providing that it met the fiscal parameters established by the General Assembly and could be functional within the State of Delaware's current leave systems.

*Serving as a clearinghouse for providing information on the status of women to the public, state agencies, the General Assembly, the Judiciary, organizations, businesses, and institutions, and when necessary, to refer complaints and inquiries to the appropriate state departments or agencies or community organizations*

Public outreach and communication was extremely successful in 2018. The Office launched social media channels on Facebook (over 600 likes/followers), Twitter (149 followers) and Instagram (over 1,000 followers), and amassed over several hundred contacts for e-newsletters and e-blasts, serviced through a subscription with Constant Contact. Several social media posts regarding policies supported by OWAA reached thousands of users.



PAID PARENTAL LEAVE FOR STATE EMPLOYEES

# #LeadOnLeaveDE

DE.GOV/PAIDLEAVE

## HOUSE BILL 3:

- Supports state workers and their families
- Helps us recruit and retain employees
- Creates a workplace that values family



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The passage of Delaware's Paid Parental Leave Bill was OWAA's most successful social media post to date; the post reached 11,939 people.

*Through these **social media outlets**,  
OWAA has worked to educate  
Delawareans (and beyond) about current  
policy proposals, legislative initiatives, and  
broader issues that have historically affected  
women and continue to impact them. The  
Office provided informational posts to  
educate the public around breast cancer  
awareness, domestic violence awareness, and  
how equal pay varies depending on a  
woman's race. OWAA also utilized social  
media to promote events, celebrate the many  
accomplishments of Delaware women, and  
share updates about the Office.*

*The Office of Women's Advancement  
& Advocacy hosted or cohosted four events  
from March-September 2018*

OWAAA EVENTS

Redefining Women  
in the Workplace  
MARCH 2018

Ruth Bader Ginsburg  
(RBG)  
Movie Screening  
JUNE 2018

Paid Parental Leave  
Legislative Briefing  
JUNE 2018

The Hall of Fame  
of Delaware Women  
Induction Ceremony  
SEPTEMBER 2018



# REDEFINING WOMEN IN THE WORKPLACE

*March 28, 2018*



Hosted in coordination with the Commission for Women, featuring national women's policy expert Lisa Maatz, and honoring Senator Margaret Rose Henry. This event reached the maximum capacity for the Delaware Public Archives with 130 attendees.



This event featured a screening of the "RBG" movie followed by a panel discussion on women's issues with Attorney General Matt Denn, Partner from Young Conaway Mary F. Dugan, University of Delaware Vice Provost for Diversity Dr. Carol Henderson and ACLU-DE Staff Attorney & Policy Counsel Karen Lantz. This was a sold out event at Theatre N in Wilmington, Delaware with 221 attendees.

# RUTH BADER GINSBURG (RBG) MOVIE SCREENING

June 11, 2018

JOIN THE DELAWARE OFFICE OF WOMEN'S ADVANCEMENT & ADVOCACY



## RBG Movie

THEATRE N AT NEMOURS

**Monday, June 11<sup>th</sup>**  
**7PM**

**PANEL DISCUSSION IMMEDIATELY  
FOLLOWING MOVIE**

**PURCHASE TICKETS**

<https://bit.ly/2GGM3jT>



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# PAID PARENTAL LEAVE



## LEGISLATIVE BRIEFING

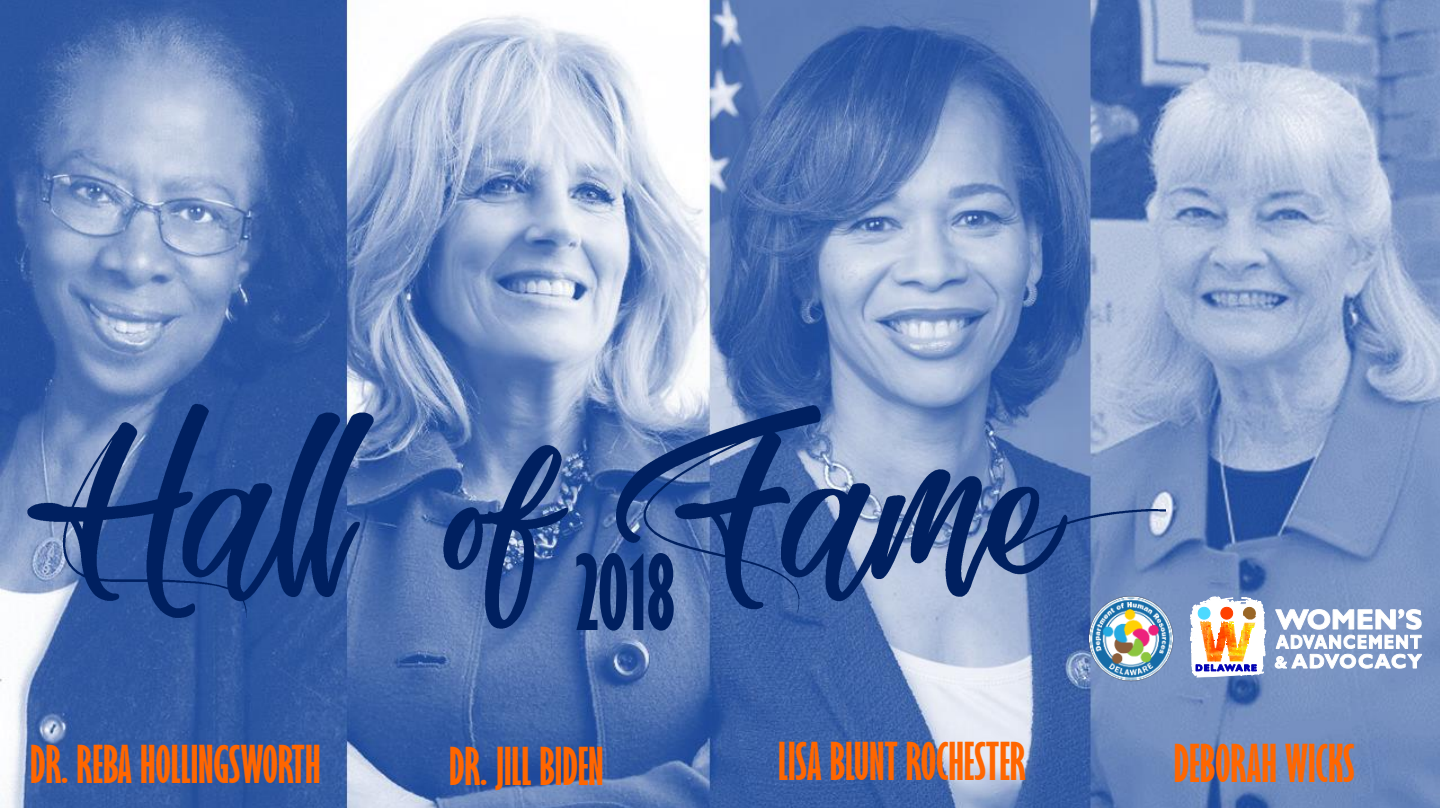
*June 13, 2018*

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This event, which featured policy experts from the National Partnership for Women & Families (NPWF), provided an opportunity for legislators, staff, and others to learn more about the lack of access to paid parental leave (in Delaware and across the country), and the health and economic benefits this type of leave provides.



**WOMEN'S  
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DR. REBA HOLLINGSWORTH

DR. JILL BIDEN

LISA BLUNT ROCHESTER

DEBORAH WICKS

# THE HALL OF FAME OF DELAWARE WOMEN INDUCTION CEREMONY

*September 27, 2018*

The Hall of Fame of Delaware Women Induction Ceremony, in coordination with the Delaware Women's Hall of Fame Committee, honored four remarkable Delaware Women and was attended by approximately 300 guests. The event was hosted at Dover Downs Hotel & Casino.



OWAA's efforts to become more visible to the public weren't limited to its own sponsored events and social media channels. In fall 2018, the Office began attending and exhibiting at community events and conferences to help spread its mission and work, and expand its footprint; the first event of this kind was the New Castle County Chamber of Commerce Women in Leadership Conference. The Office also met with the leadership of dozens of organizations that share a mutual interest in supporting women and girls in the First State.

*Director Melanie Ross Levin and Policy & Research Analyst Carling Ryan spoke at several external events and advocacy group meetings, detailing its mission and offering resources and information on several initiatives the Office was supporting. These speaking engagements included:*

**November 27, 2018** – University of Delaware Women & Gender Studies

**October 25, 2018** – Delaware CAN (Contraceptive Access Now)

**October 2, 2018** – University of Delaware, Institute for Public Administration

**July 12, 2018** – Philanthropic Education Organization

**June 14, 2018** – Osher Lifelong Learning Institute

**May 2, 2018** – League of Women Voters Advocacy Corp Meeting

**April 26, 2018** – Fund for Women Advocacy Meeting

**April 4, 2018** – Women and the Law Section Lunch Forum Panel on the Equal Rights Amendment

**April 11, 2018** – Delaware Women Leading Government

**March 2, 2018** – Women and the Law Conference Panel

**January 20, 2018** – Delaware Women's March

**November 6, 2017** – International Women's Forum

Additionally, OWAA referred dozens of constituent inquiries to various state departments and federal offices to address questions regarding divorce, immigration, child custody, sexual harassment and discrimination, and reasonable accommodations for breastfeeding.

# The Delaware Commission for Women

*Activities During the 149<sup>th</sup>  
General Assembly*

ACTIVITIES AND RECOMMENDATIONS REPORT



**WOMEN'S  
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*The Delaware Commission for Women* is responsible for advising the Office of Women's Advancement & Advocacy on strategic planning, project development, and programming. Upon its reorganization in 2017, the Delaware Commission for Women adopted by-laws and set forth to meet at least quarterly. The Commission has nine members, representing all three counties and the City of Wilmington, who serve for various term lengths and are appointed by the Governor, Speaker of the House, and President Pro Tempore of the State Senate.

<p>DR. MARIAN PALLEY</p> <p><i>Commission Chair</i></p> <p>Professor Emerita</p> <p>University of Delaware</p>	<p>SHERESE BREWINGTON-CARR</p> <p><i>Commission Vice Chair</i></p> <p>Senior Administrator</p> <p>Delaware Department of Labor</p>	<p>ALISHA WAYMAN BRYSON</p> <p><i>Vice President</i></p> <p>Wayman Fire Protection</p>
<p>KATHERINE CAUDLE</p> <p>Staff Representative</p> <p>AFSCME Council 81</p>	<p>SOBIA CHOUDHRI, DDS</p> <p>American Dental Care</p>	<p>MICHELLE TAYLOR</p> <p>President &amp; CEO</p> <p>United Way of Delaware</p>
<p>ROSALÍA VELÁZQUEZ</p>	<p>THE HON. SHERRY DORSEY WALKER *</p>	<p>VACANT</p>

*\*former member*

The Delaware Commission for Women formally endorsed many legislative initiatives that were supported by the Office of Women's Advancement & Advocacy, including the Equal Rights Amendment and paid parental leave for state employees.

While the responsibility for planning and hosting the Hall of Fame of Delaware Women had to be re-designated to the Delaware Women's Hall of Fame Committee, the Commission for Women will continue its recognition of Delaware women by planning and hosting an annual "She's On Her Way" event, and has established a subcommittee to focus on this endeavor. This event will recognize the achievements and strong community contributions of women ages 18-30. The Commission for Women plans to recognize recipients of the award at an afternoon tea, hosted at the Buena Vista Conference Center in New Castle, Delaware on Friday, March 1, 2019.

*Serving as a liaison between government and private interest groups concerned with issues affecting women*

The Commission held an organizational meeting to determine interest in creating a statewide Women's Coalition, in which nonprofits would have an opportunity to coalesce around mutually supported initiatives. The first meeting, held on December 5, 2018, focused on determining interest and capacity for this initiative.

# The Delaware Women's Workforce Council

*Activities During the 149<sup>th</sup>  
General Assembly*

ACTIVITIES AND RECOMMENDATIONS REPORT



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*The Delaware Women's Workforce Council* is charged with eliminating the gender-based wage gap, removing the visible and invisible barriers to women's advancement, and ensuring that every person regardless of gender has an opportunity for advancement in the workplace. The Council was formally established in December 2017, and has since created by-laws and set quarterly meeting requirements. The Council has 11 members, representing all three counties and the City of Wilmington, who serve for various term lengths, and are appointed by the Governor, Speaker of the House, and President Pro Tempore of the State Senate.

<p>LOUISE CUMMINGS-LEWIS, ESQ.  <i>Council Chair</i>            Founder of Ballard's Reading Buddies</p>	<p>ROXANE FERGUSON            Executive Director            Middletown Area Chamber of Commerce</p>	<p>DR. MARIE LABERGE            Assistant Professor            University of Delaware</p>
<p>CHRISTINE RAWAK            Director of Intercollegiate Athletics            University of Delaware</p>	<p>LINDA BARNETT            President (Wilmington Chapter)            AAUW Delaware</p>	<p>YVONNE GORDON, MBA, EdD.,            Owner/Operator            Orangetheory Fitness Pike Creek</p>
<p>CHRISTOPHER WATERS            New Castle County Director            National Able Network</p>	<p>KIMBERLY REINAGEL-NIETUBICZ  <i>Council Vice Chair</i>            Strategic Policy Analyst            University of Delaware</p>	<p>KATEY EVANS            President of Sales &amp; Marketing            Evans Farms</p>
<p>PASTOR RITA PAIGE            Star Hill AME Church</p>	<p>CHRISTINE MASON*            CEO            Sussex Shores Water Company</p>	

*\*former member*

*Studying, reviewing and reporting on the status of women in the State; to accomplish this task, the Office of Women's Advancement & Advocacy may conduct research projects and focus groups, and hold public hearings, forums and discussion groups as it deems necessary.*

During the 2018 legislative session of the 149<sup>th</sup> General Assembly, the Women's Workforce Council strongly supported House Bill 3 (in addition to other legislative initiatives), which provided paid parental leave to state employees. To demonstrate its support, the Council submitted a letter encouraging legislators to vote in favor of the bill, and testified at committee hearings in support of the bill.

*Fostering and facilitating collaborations between the state agencies, the General Assembly, the Judiciary, individuals, organizations, businesses and institutions towards the elimination of gender-based bias and discriminatory policies and practices*

As of August 2018, four subcommittees had been established to further the Council's work; the Education and Research Subcommittee, Public Policy Subcommittee, and the Business Outreach Subcommittee. Additionally, a subcommittee was temporarily formed to establish a strategic plan for the Council, detailing its goals over the next three fiscal years.

The Education and Research Subcommittee is tasked with exploring research study options to analyze gender-based inequities in workplaces in Delaware, starting with state employees. The Subcommittee plans to review studies performed by other governmental jurisdictions, higher education organizations, and national organizations, including the Society for Human Resource Management (SHRM), to determine a scope/research plan that could be applied to the State of Delaware workforce.

The Public Policy Subcommittee is in the process of finalizing the Women's Workforce Council's platform, which will guide the Council's support of and advocacy for proposed policies and legislation in the future. The platform will largely focus on guaranteeing equality, individual rights, social justice, and economic self-sufficiency for all women. Members of this subcommittee will be responsible for presenting the Council's position on issues at hearings and committee meetings.

Lastly, the Business Outreach Subcommittee was established to evaluate the potential for mirroring a program established by the Boston Women's Workforce Council called the 100% Talent Compact. This compact provides an opportunity for partner businesses to share employment data with the Council, who then works with local university partners to analyze the data and provide a report detailing various wage gap metrics. Director Ross Levin plans to continue to work with the Boston Women's Workforce Council to share ideas and best practices.

By the end of 2018, the Business Outreach Subcommittee received confirmation from Chambers of Commerce within Delaware (including the State Chamber) that these organizations would like to participate in determining the feasibility of creating a version of this Talent Compact in Delaware.

*Contracting for the  
production, distribution  
and marketing of  
educational and  
informative media  
materials, consistent with  
the purpose of the Office*

Following the establishment of the 2019 Fiscal Year Budget, the Office of Women's Advancement & Advocacy contracted with the American Association of University Women to launch four pilot salary negotiation seminars in Delaware. Along with the Women's Workforce Council, OWAA will host these "Work Smart" sessions in all three counties. This program is designed to help women learn how to articulate personal value, negotiation strategies, and benchmark a target salary and benefits. Additionally, the seminars educate attendees around the wage gap, and how it stands to impact women's careers.



# The Delaware Women's Hall of Fame Committee

*Activities During the 149<sup>th</sup>  
General Assembly*

ACTIVITIES AND RECOMMENDATIONS REPORT



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The Delaware Women's Hall of Fame Committee was established to foster an understanding of, and an appreciation for, the many contributions of the women of Delaware to their home, community, state and nation, and annually recognize and acknowledge the achievements of remarkable Delaware women. The Committee is made of up seven members, representing all three counties and the City of Wilmington, who serve for various term lengths, and are appointed by the Governor, Speaker of the House, and President Pro Tempore of the State Senate.

<p>KAY KEENAN Hall of Fame Chair President Growth Consulting, Inc.</p>	<p>JACKIE GRIFFITH Hall of Fame Vice Chair Director of Government and Community Relations Delaware State University</p>	<p>DR. THERESA DEL TUFO CEO Del Tufo Consulting</p>	<p>THE HON. NANCY COOK former State Senator</p>
<p>DONNA MASLEY Owner Masley Enterprises, Inc.</p>	<p>THE HON. PAMELA BAKERIAN* former State Rep. Executive Director DE Farm Bureau</p>	<p>VACANT</p>	

*\*former member*

In July 2018, the Delaware Women's Hall of Fame Committee selected four inductees for the 37<sup>th</sup> Annual Hall of Fame of Delaware Women, following months of preliminary planning and establishing a scoring criteria and rubric for nominees. The Committee also made the application more accessible than it had been in the past by allowing for electronic submissions, and ensuring that the application was usable via mobile device. As a result, the Committee and OWAA collaboratively solicited over 30 nominations for the Hall of Fame of Delaware Women. The 2018 inductees include Dr. Jill Biden, Congresswoman Lisa Blunt Rochester, Dr. Reba Ross Hollingsworth, and former Superintendent Deborah Wicks.



2018 Hall of Fame of Delaware Women Inductees (l-r): Congresswoman Lisa Blunt Rochester, Deborah Wicks, Dr. Reba Ross Hollingsworth, and Ashley Biden, who accepted the award on behalf of her mother, Dr. Jill Biden





Following the selection of the 2018 inductees, OWAA utilized social media channels and hard copy invitations to promote the event and solicit attendees. Approximately 300 guests attended the Hall of Fame Induction Ceremony, which was hosted at Dover Downs Hotel and Casino in Dover, Delaware. Special attendees included the Girl Scouts of the Chesapeake Bay, who performed a flag ceremony, and a small group of Fresh Start Scholars; Fresh Start is a local nonprofit foundation which awards scholarships to women returning to college based on need, academic record and motivation to succeed.

# Hall of Fame

## OF DELAWARE WOMEN







Girl Scouts from the **Girl Scouts of the Chesapeake Bay** leading a flag ceremony at the 2018 Hall of Fame of Delaware Women Induction Ceremony

Creatively, OWAA developed several products to promote and enhance the event, including social media graphics, posters advertising the event, a step and repeat banner for photographs (and promotion), interactive signage for photographs, and an event program distributed to each attendee.

In addition to event promotion, OWAA began planning the event timetable; this involved constant coordination between the Office and nominees, as well as departmental budgetary and communications staff. The Induction Ceremony was meticulously planned to engage attendees through multiple presentation media, including professional video, interviews, and speeches. Feedback from attendees expressed that the inclusion of videos made the event more dynamic and interesting.

The Delaware Women's Hall of Fame Committee is preparing to solicit nominations for the 2019 inductees.



THE OFFICE OF WOMEN'S ADVANCEMENT & ADVOCACY

# RECOMMENDATIONS

*For the 150<sup>th</sup>  
General Assembly*

ACTIVITIES AND RECOMMENDATIONS REPORT



**WOMEN'S  
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*Making specific legislative proposals relating to the removal of discriminatory laws and practices in the State and the advancement of women in the State; transmitting such legislation, with any report or information thereon to the Governor, the Secretary of the Department of Human Resources and the General Assembly; and working toward the passage of such legislation*

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The following recommendations encompass a wide range of issues that impact women – legal protections, health, education, economic security, and equality in the workplace. These initiatives are intentionally broad, as the Office of Women’s Advancement & Advocacy seeks to help all Delaware women and girls achieve their potential at every stage of life – at school, at work, at home, and in retirement. Developing recommendations, both legislative and regulatory, is an ongoing process; these recommendations are not meant to be an exhaustive list of every policy that may help women in the First State, nor are they meant to be a detailed blueprint for execution. These recommendations are also made outside the context of budget requirements and the reality of limited resources. OWAA believes that these recommendations will build on steps Delaware has already taken, and looks forward to working with the Administration and General Assembly in the coming legislative session to continue this progress. With that in mind, OWAA welcomes input and collaboration as it continues this work. If you have suggestions, please contact OWAA Director, Melanie Ross Levin, at [melanie.rosslevin@state.de.us](mailto:melanie.rosslevin@state.de.us) or at 302-577-8790.

# RECOMMENDATION:

## Provide Fundamental Legal Protections on the Basis of Sex by Passing the Second Leg of the Delaware Equal Rights Amendment

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Despite polls indicating that more than 90% of Americans support the Equal Rights Amendment (ERA),<sup>1</sup> Congress has failed to pass this amendment to the US Constitution, and instead, states have individually taken the lead on this issue. While 24 states have passed a state level ERA, the Delaware Constitution currently does not have specific equal rights protections for women. The proposed ERA corrects that constitutional issue by clearly and simply stating that equal rights shall not be denied because of sex.<sup>2</sup> The Equal Protection Clause in the 14th Amendment to the US Constitution does not expressly protect women from sex discrimination. Judicial rulings have demonstrated that gender discrimination is subject only to “intermediate scrutiny” under the 14th Amendment, meaning that a law that treats men and women differently only needs a moderately convincing justification to pass muster.<sup>3</sup>

The Delaware House and Senate voted to approve the first leg of the ERA to Delaware’s Constitution during the 149th General Assembly in 2018. In Delaware, constitutional amendments must pass both the Delaware House and Senate by a two-thirds majority in two successive general assemblies. If Delaware’s ERA passes in the 150th General Assembly, Delaware would join our regional neighbors, Pennsylvania, Maryland and New Jersey, in enacting a state ERA, and put forth an important statement of principle that would set the tone for equality within the state.

# RECOMMENDATION:

## Improve access to Affordable, High-Quality Child Care and Early Education

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The cost to care for children while parents work greatly impacts both overall earnings and the ability for parents to afford child care. Mothers and children are most affected by this problem. In fact, while over 60 percent of Delaware mothers are either the primary or co-breadwinners of their family, women are much more likely than their male counterparts to leave the workforce for caregiving reasons, reducing their overall lifetime earnings.<sup>4</sup>

The prohibitive costs of child care also impacts access for low-income families. While 72% of high-income families enroll their children in child care and early education in Delaware, only 52% of low-income families are enrolled.<sup>5</sup> Child care costs are significant annual expenditures, especially for low income families. A married couple at the poverty line with two children in center-based care spends 79.1% of their income on child care.<sup>6</sup> These high costs also affect pre-k enrollment. Delaware ranks 35th in the country for pre-K enrollment, with only seven percent of four-year-olds enrolled in state-sponsored pre-K programs.<sup>7</sup> Early education is key to overall educational success, yet a significant portion of Delaware children entering kindergarten do not meet developmental standards.<sup>8</sup> According to the National Assessment of Educational Progress (NAEP), only 37% of Delaware's children are reading proficient at the end of fourth grade – a skill largely influenced by their early education.<sup>9</sup> Improving access to affordable, high-quality child care and early education will help Delaware parents work and help children succeed in school.

*OWAA provides the following recommendations that can alleviate cost constraints and improve access to affordable, high-quality child care and early education:*

***Increase investments in Purchase of Care (POC) Subsidies*** – Purchase of Care (POC) is a program that helps low-income families pay for child care for approved activities such as work or training. According to the latest market rate study, the State’s current POC payment makes up 50 percent of that amount of care.<sup>10</sup> Improved subsidies, like purchase of care, for low income families can lead to an increase in the use of formal care (center-based care), even when those subsidies can be used for formal and informal care.<sup>11</sup> Particularly, studies found that child care subsidy funding is instrumental in increasing employment rates among recipients with children.<sup>12</sup> Furthermore, child care providers are overwhelmingly women<sup>13</sup> and they deserve to earn fair wages as they educate the next generation of Delawareans.

***Expand Access to Pre-Kindergarten*** – Policies that promote access to pre-K are associated with higher workforce attachment for mothers.<sup>14</sup> Therefore, expanding pre-K in Delaware by building towards universal coverage through a mixed delivery system could bring more women into the workforce. For example, in Washington, D.C., when pre-K programs were expanded, maternal labor force participation rate saw a 10% increase.<sup>15</sup> Beyond increasing the number of women in the workforce, expanding access to pre-K programs improves academic outcomes. The return on investment in high-quality early learning is clear and well-researched, especially for low-income and middle-income students.<sup>16</sup> According to the Early Childhood Longitudinal Study, Kindergarten Class of 2010-2011 (ECLS-K:2011), those children who participated in a center-based early care and education programs had higher learning behavior and academic skill scores than those children who attended primarily home-based relative care.<sup>17</sup>

***Make the Child and Dependent Care Tax Credit Refundable*** – Delaware can help families with child and dependent care expenses by making the Child and Dependent Care Tax Credit (CDCTC) refundable and scaling the percentage of the refund to income levels, which would allow low-income families to recoup more resources from their child care expenses.<sup>18</sup> The Child and Dependent Care Tax Credit currently is not federally refundable, but this would not preclude the State of Delaware from making the credit refundable; 12 other states who have the CDCTC have designated the credit as refundable.<sup>19</sup>

# RECOMMENDATION:

## Support Economic Stability of Delaware Families with Paid Sick Days and Paid Family and Medical Leave

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As caregiving responsibilities largely fall to women,<sup>20</sup> increasing paid leave policies, including paid sick days and paid family and medical leave, provides a greater opportunity for women to stay in the workforce and increase their wages. Given that 60% of Delaware mothers are the primary or co-breadwinner for their family,<sup>21</sup> thousands of Delaware women without access to paid sick days or paid family and medical leave are forced to make an impossible choice—take care of their families or themselves, but risk losing their job.

The Institute for Women's Policy Research estimated that there are approximately 327,711 private sector workers in Delaware, and 131,128 (or 40%) of these workers do not have access to paid sick days.<sup>22</sup> Parents without paid sick days are more likely to send a sick child to school or daycare, delaying treatment for the illness and resulting in greater likelihood of emergency room visits for their children (causing health care costs to increase).<sup>23</sup> And in a recent survey, respondents without paid sick leave were significantly less likely to report having used several preventive health services in the last 12 months, including receiving their flu shot.<sup>24</sup> Workers with access to paid sick days tend to have less severe and shortened periods of illness, reducing the amount of time they are too sick to work. When workers stay home to recover instead of going to work when they are potentially contagious, they lessen the odds of spreading their illness to others.<sup>25</sup> Paid sick days also help reduce presenteeism (when workers are at work but are less productive due to sickness) and worker turnover, which can create cost savings to employers.<sup>26</sup> If Delaware were to enact a mandatory paid sick day law, it would join Maryland, New Jersey and nine other states and the District of Columbia.<sup>27</sup>



The State of Delaware made significant strides when it established a paid parental leave program for state employees, including teachers, which provides 12 fully paid weeks of leave to care for and bond with a newborn or an adopted child under the age of six. As Delaware evaluates the benefits of its paid parental leave policy, the State should also consider expanding this benefit for state workers and for the private sector. For the state workforce, the benefit could be expanded from paid parental leave to paid family medical leave, which would not only cover caring for a newborn and adoption, but also for aging family members and personal serious medical conditions. According to the Delaware Population Consortium, 18% of Delaware's population is 65+;<sup>28</sup> this population section is projected to grow to 20% in 2025, and almost 23% in 2030.<sup>29</sup> In order to finance a paid family medical leave insurance program for the private sector, Delaware could consider a payroll deduction, and the leave benefit could be scaled depending on the purpose of the leave. This is a common strategy used in several states to expand paid family and medical leave statewide – including the private sector.<sup>30</sup>

# RECOMMENDATION:

## Help Low-wage Workers by Increasing the Minimum Wage

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Delaware women working full time, year-round should be able to support themselves and their families. Legislation that passed in the 149<sup>th</sup> General Assembly will raise Delaware's current minimum wage rate from \$8.25 an hour to \$8.75 an hour on January 1, 2019, and by another \$.50 to \$9.25 an hour, effective October 1, 2019. Although a step in the right direction, this still leaves a full-time Delaware worker earning the minimum wage rate, who is a single parent with two children, near the poverty line.<sup>31</sup>

Another area of concern is Delaware's tipped minimum wage rate, which has remained frozen at \$2.23 since October 1, 1996.<sup>32</sup> Delaware's tipped workers face a higher risk of poverty than other workers; more than two-thirds of Delaware's tipped workers are women,<sup>33</sup> and 14% of women in tipped occupations are in poverty in Delaware.<sup>34</sup>

If Delaware were to continue to gradually raise the minimum wage, then index it to keep pace with rising wages and phase out any sub-minimum wages (tipped, training, youth, disability, etc.), more Delaware women would be able to support themselves and their families. In states where employers are required to pay tipped employees the regular minimum wage (before tips), there is a smaller gender wage gap: 19% smaller for women overall (working full time), and 33% smaller for women in tipped occupations. Additionally, women in these states experience poverty at a lower rate: 27% lower for women in tipped occupations, and 31% lower for women of color in tipped occupations.<sup>35</sup>

# RECOMMENDATION:

## Require Consent and Healthy Relationship Education in Public Schools

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Neighboring states New Jersey and Maryland require that sex education address healthy relationships and consent in its public school curriculum, and in Maryland, the consent requirement (and that it be age appropriate) was signed into law in 2018.<sup>36</sup> Currently, Delaware public schools are not required to include consent and healthy relationship education in their sexuality education program. However, consent education has been demonstrated to help improve attitudes towards rape. In an analysis of the “Safe Dates Prevention Program for Dating Abuse,” researchers found that adolescents who received the program reported less sexual dating violence and victimization four years after the program.<sup>37</sup>

# RECOMMENDATION:

## Help Pregnant Students Stay in School by Excusing Pregnancy-related Absences and Absences to Care for Children

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In 2016, the number of pregnancies among females ages 15 to 19 in Delaware totaled 791.<sup>38</sup> While the rate of teen pregnancy has declined dramatically in Delaware since 2000, pregnancy is still a leading cause for girls to drop out of school.<sup>39</sup> In a recent report by the National Women’s Law Center (NWLC), schools surveyed were found to not have clear absence policies and accommodations for student mothers. In addition, the NWLC report found that pregnant students were more likely than girls overall to say that “...allowing special scheduling and attendance arrangements for students who provided care to family members would make schools better for girls.”<sup>40</sup>

Under federal law, schools that receive federal funding must excuse absences due to pregnancy and childbirth for as long as a doctor says is necessary.<sup>41</sup> Delaware can ensure that schools are providing the basic protections required under Title IX, and expand on those protections, by requiring that schools provide excused absences for parents to bond with a newborn child or care for an ill child. In addition, Delaware should make clear that a student who is breastfeeding must be permitted to be excused from class to express breast milk or breastfeed.

# ACTIVITES SECTION

## ENDNOTES

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- <sup>1</sup>Additional Sponsor(s) and Co-Sponsors: Sen. McDowell, Henry, Rep. Longhurst; Sen. Cloutier, Hansen, Lavelle, Lopez, Marshall, Poore, Sokola, Townsend, Walsh; Reps. Baumbach, Bennett, Bentz, Bolden, Brady, Keeley, Kowalko, Lynn, Paradee, Potter, B. Short, K. Williams
- <sup>2</sup>Additional Sponsor(s) and Co-Sponsors: Sen. Hansen, Henry, Townsend; Sen. Bushweller, Cloutier, Ennis, Lopez, Marshall, McBride, McDowell, Poore, Sokola, Walsh; Reps. Baumbach, Bennett, Bentz, Bolden, Brady, Heffernan, Hudson, Jaques, J. Johnson, Q. Johnson, Keeley, Kowalko, Lynn, Mulrooney, Osienski, Paradee, Potter, Ramone, Schwartzkopf, M. Smith, Viola, K. Williams
- <sup>3</sup>Additional Sponsor(s) and Co-Sponsors: Sen. Townsend, Rep. Heffernan; Sen. Cloutier, Hansen, Poore, Sokola; Reps. Baumbach, Bentz, Bolden, J. Johnson, Keeley, Kowalko, Lynn, Paradee, Viola
- <sup>4</sup>Additional Sponsor(s) and Co-Sponsors: Sen. Delcollo, Townsend; Reps. Baumbach, Heffernan
- <sup>5</sup>Additional Sponsor(s) and Co-Sponsors: Sen. Cloutier, Rep. Longhurst; Sen. Lavelle, Townsend; Reps. Baumbach, Bentz, Briggs King, Heffernan, J. Johnson, Keeley, Kowalko, Lynn, Viola, Wilson
- <sup>6</sup>Additional Sponsor(s) and Co-Sponsors: Reps. Heffernan, Longhurst, K. Williams; Sen. Hansen, Henry, Lopez, McBride, Sokola, Townsend; Reps. Baumbach, Bentz, Bolden, Brady, Hudson, J. Johnson, Keeley, Lynn, Osienski, Paradee, Viola, Wilson
- <sup>7</sup>Additional Sponsor(s) and Co-Sponsors: Rep. Longhurst; Sen. Cloutier, Ennis, Hansen, Henry, Lopez, Poore, Simpson, Sokola; Reps. Baumbach, Bennett, Bentz, Bolden, Brady, Carson, Heffernan, Hensley, Hudson, Jaques, Keeley, Lynn, Matthews, Mitchell, Paradee, M. Smith, K. Williams
- <sup>8</sup>Additional Sponsor(s) and Co-Sponsors: Sen. Hansen; Sen. Henry, Marshall, Poore; Reps. Bennett, Bolden, Brady, Heffernan, Kowalko, Longhurst, Mulrooney, Paradee, K. Williams
- <sup>9</sup>Additional Sponsor(s) and Co-Sponsors: Sen. Henry, Reps. Longhurst, Heffernan, Kowalko; Sen. Cloutier, Delcollo, Hansen, Lavelle, Lopez, Marshall, McDowell, Poore, Sokola, Townsend; Reps. Baumbach, Brady, Jaques, Mitchell, Schwartzkopf



# RECOMMENDATIONS

## SECTION

## ENDNOTES

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